

REMARKS/ARGUMENTS

A minor amendment has been made to Claim 1 for clarity and correct grammar. No new issues are presented by this amendment, and it does not require detailed consideration or further searching. Accordingly, entry of this amendment is appropriate.

Applicant requests reconsideration by the Examiner and withdrawal of the rejection based upon the accompanying comments.

The present invention relates to a soundproofing panel. The soundproofing panel comprises a first wall (exciter wall) that is positioned in contact with a fluid in which there is a source of noise and a second wall (receiver wall) positioned in contact with a fluid where it is desired for the noise to be attenuated. Additionally, there is an intermediate element disposed between these two walls.

The present invention is based on the idea of suspending the intermediate element elastically from the second wall (receiver wall). Thus, as recited in Claim 1, the intermediate element comprises over at least a portion of its outline at least one element providing elastic coupling between the intermediate element and only the second wall. As noted in the specification, this provides two advantages. First, the intermediate element is not linked directly to the second wall (receiver wall) thereby improving performance. Secondly, the intermediate element in association with the first wall (exciter wall) constitutes a system of two suspended masses which present a better filtering effect.

The combination of elements as set forth in Claim 1 and the claims dependent therefrom is neither shown nor made obvious from the prior art. The prior art does not teach or suggest the basic idea utilized in Applicant's invention as set forth in the claims.

The claims stand rejected under 35 U.S.C. §103 based upon a combination of three prior art references, Söderquist, L'Heureux and McNett. The Examiner recognizes that Söderquist fails to teach an element that provides elastic coupling. However the Examiner notes that L'Heureux teaches an element that provides elastic coupling and the Examiner contends that it would have been obvious to combine the Söderquist and L'Heureux structures to improve performance and sound absorption. As for the last phrase in Claim 1, requiring a first layer of compressible sound absorbing material between the first wall and the intermediate element, the

Examiner relies upon the McNett reference, contending that it would be obvious to further modify the Söderquist/L'Heureux modified structure in view of McNett to further dampen sound.

As will be explained more fully below, this selective reconstruction of the prior art as proposed by the Examiner is not motivated by any teachings in the references themselves. Moreover, the only basis for this modification is a hindsight reconstruction of the prior art in view of Applicant's own teachings. This is clearly improper.

According to the Examiner, Söderquist teaches in Figure 6 a soundproofing panel comprising a first wall 2 in contact with a fluid containing a source of noise, a second wall 7 in contact with a fluid in which the noise is to be attenuated and an intermediate element 5 between the first wall 2 and second wall 2. The intermediate element 5 comprises over at least a portion of its outline at least one element 9 providing coupling between the intermediate element and only the second wall. Söderquist also has a first layer of material 10 between the first wall and the intermediate element 5.

The Söderquist panel does not have the orientation defined by Applicant's claims. As seen in Figure 4, it is the second wall 7 that is in contact with the source of noise and the first wall 2 is in contact with the noise to be attenuated. The Examiner has indicated that this difference is inconsequential since rearranging parts of an invention involves only routine skill in the art. The Examiner further contends that there is no structural difference. However, as amended in the previous response, Claim 1 now positively recites a first wall positioned in contact with a fluid containing a source of noise and a second wall positioned in contact with a fluid in which the noise is to be attenuated. This does not specify an intended use but structurally defines a particular orientation. Applicant's soundproofing panel is an asymmetric structure and it must be implemented in a particular orientation to be effective.

The Examiner recognizes that the Söderquist structure does not have an element providing elastic coupling, but he finds this element in L'Heureux in the form of a strip 12. However, nothing in the Söderquist reference or the L'Heureux reference provides any reason or motivation for the person of ordinary skill in the art to "pluck" the elastic element 12 from L'Heureux structure and to insert it into the Söderquist structure. Furthermore, nothing in either

of these references would lead the person of ordinary skill in the art to utilize the elastic strip 12 in such a way as to provide elastic coupling between the intermediate element 5 of Söderquist and only the second wall 7 of Söderquist.

Considering the L'Heureux reference more closely, it will be seen that the purpose of the elastic strip 12 is to isolate one wall of an acoustic door from a frame to which that wall is mounted. In particular, the door has a first wall that includes a first panel 4 of gypsum clad on opposite sides by a sheet 5 of lead and a sheet 6 of steel. The opposite wall of the door is constituted by a panel 9 of gypsum to which is applied a sheet 10 of lead and a sheet 11 of steel. The second wall of the door, made up of panel 9 and sheets 10 and 11, is mounted in a frame by means of a strip 12 made of a flexible material. In this way, the second wall is acoustically isolated from the first wall of the door. The teachings of L'Heureux with respect to the flexible strip 12 have no applicability to a rigid panel construction such as that of Söderquist. Nothing in L'Heureux alone or in combination with Söderquist would direct a person of ordinary skill in the art to provide elastic coupling between the intermediate member 5 of Söderquist and the second wall 7.

The newly cited McNett reference has been introduced in view of the recitation in Claim 1 of a first layer of compressible sound absorbing material between the first wall and the intermediate element. However, nothing, besides Applicant's own disclosure, provides any motivation or incentive to transfer the flexible foam layer 16 of McNett into the structure taught by Söderquist.

For the reasons noted it should be evident that the combination of Söderquist, L'Heureux and McNett fails to establish a prima facie case of obviousness with respect to the claimed subject matter. Accordingly, reconsideration by the Examiner, withdrawal of the Rejection, and formal notification of the allowability of all claims as now presented are earnestly solicited.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/Raymond O. Linker, Jr./

Raymond O. Linker, Jr.
Registration No. 26,419

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
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